



Journal of the House

State of Indiana

117th General Assembly

Second Regular Session

Thirty-fifth Day

Wednesday Morning

March 7, 2012

The invocation was offered by Representative Jeffrey A. Thompson.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Peggy M. Welch.

The Speaker ordered the roll of the House to be called:

Austin	Kersey
Bacon	Kirchhofer
Baird	Klinker
Bardon □	Knollman
Bartlett	Koch
Battles	Kubacki
Bauer	L. Lawson
Behning	Lehe
Borders	Lehman
C. Brown	Leonard
T. Brown	Lutz
Burton	Mahan
Candelaria Reardon	McClain
Cheatham	McMillin
Cherry	McNamara
Clere	Messmer
Crawford	Morris
Crouch	Moseley
Culver	Moses □
Davis	Neese
Davisson	Niezgodski
Day	Noe
DeLaney	Pelath
Dembowski	Pflum
Dermody	Pierce
Dobis	Pond
Dodge	Porter
Dvorak	Pryor
Eberhart	Reske
Ellspermann	Rhoads
Espich	Richardson
Foley	Riecken
Friend	Saunders
Frizzell	M. Smith
C. Fry	V. Smith
R. Fry	Soliday
GiaQuinta	Speedy
Goodin	Stemler
Grubb	Steuerswald
Gutwein	Stevenson
Harris	Sullivan
Heaton	Summers
Heuer	Thompson
Hinkle	Torr
Karickhoff	Truitt

Turner
Ubelhor
VanDenburgh
VanNatter
Welch

Wesco
White
Wolkins
Yarde
Mr. Speaker

Roll Call 356: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 18, 53, and 54 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

CONFEREES AND ADVISORS APPOINTED

EHB 1197 Conferees: M. Smith and Riecken
Advisors: Neese, Soliday, Wolkins,
and White

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1237 Advisor: Lehman

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:25 p.m. with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Resolution 84

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 84:

A HOUSE RESOLUTION to honor Representative Craig Fry on his retirement from the Indiana House of Representatives.

Whereas, Representative Craig Fry has represented his constituents, the citizens of House District 5, at the Statehouse for twenty-four years;

Whereas, Representative Fry is a life-long resident of his hometown of Mishawaka, having graduated from Mishawaka High School in 1970 before going on to study at Ball State University, Indiana University-South Bend, the National Labor College, from whom he received the degree of Bachelor of Arts, and Ivy Tech State College, for whom he serves today as the Executive Director of Apprenticeship Studies, and where he has been instrumental in the creation of pioneering associate degree programs in partnership with building trades unions in Indiana and across the country;

Whereas, Representative Fry's work in the Statehouse on behalf of his constituents and of the state of Indiana has been widely recognized by a wide range of organizations and associations, including several awards as a Legislator of the Year, with his reputation extending even into neighboring states, as demonstrated by his commission by the Commonwealth of Kentucky as a Kentucky Colonel; and

Whereas, Outside the Statehouse, Representative Fry worked for many years in the construction industry as a carpenter, foreman and superintendent, while being an active, long-standing member of the United Brotherhood of Carpenters, and has worked on behalf of his neighbors and his community as a member of the Penn Township Advisory Board, of Healthy Mothers/Healthy Babies, and of the NAACP: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Craig Fry for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Craig Fry and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Fry.

House Resolution 80

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 80:

A HOUSE RESOLUTION to honor Representative F. Dale Grubb on his retirement from the House of Representatives.

Whereas, Representative Dale Grubb has represented his constituents, the citizens of House District 42, since his election in 1988;

Whereas, Representative Grubb is a life-long resident of his hometown of Covington, having graduated from Covington High School before receiving the degree of Bachelor of Science in Agriculture Economic from Purdue University;

Whereas, Before his election to the House of Representatives, Representative Grubb worked for several years as a banker and as a farmer at Grubb Farm, which he still operates today;

Whereas, In his many years of service to his constituents and to the General Assembly, Representative Grubb has dedicated himself entirely to working with members of both parties towards improving the lives of all Hoosiers, including his continuing work on organ donation legislation, his work in establishing the Wabash River Heritage Commission, his efforts to promote the production and consumption of renewable energy in Indiana, his efforts to publicly honor veterans and Prisoners of War, and his commitment to maintaining Indiana's rich heritage of covered bridges;

Whereas, Representative Grubb served as Caucus Chairman for many years, working on behalf of his caucus members and the House of Representatives to improve the functioning and efficiency of the legislature, including his leadership in remodeling the legislative offices of Room 336 in order to provide the space and resources necessary for legislators to work with their constituents; and

Whereas, Outside the Statehouse, Representative Grubb has labored tirelessly for his neighbors, his community and his state as an active member of a number of organizations and

associations, including the American Veterans, the Sons of the American Revolution, the St. Vincent Hospital-Williamsport Board of Directors, and the Executive Council of the Council of State Governments: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Dale Grubb for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Dale Grubb and his family.

The resolution was read a first time and adopted by voice vote.

Representative Moses, who had been excused, was present.

The Acting Speaker yielded the gavel to the Speaker.

House Resolution 83

Representatives Bauer, L. Lawson, and Summers introduced House Resolution 83:

A HOUSE RESOLUTION to honor Representative Chet Dobis on his retirement from the Indiana House of Representatives.

Whereas, Representative Chet Dobis has represented his constituents, the citizens of House District 13, at the Statehouse for forty-one years;

Whereas, Representative Dobis has lived in northwest Indiana nearly his entire life, graduating from Merrillville High School and Indiana University-Northwest before moving on to graduate school at the University of Wisconsin in Madison;

Whereas, As one of the two longest serving members of the Indiana House of Representatives, having been elected in November 1970, Representative Dobis has done invaluable service for the House of Representatives, supplying the wealth of institutional knowledge and memory that comes from his service as Speaker Pro Tempore under three different Speakers of the House, as the Dean of the Northwest Indiana Delegation, and as one of the original members of the "Rat Pack";

Whereas, In a long career of legislating, Representative Dobis's services to his constituents and his district have been many, including his strong opposition to Daylight Saving Time, and the creation of the Regional Development Authority for northwest Indiana; and,

Whereas, Outside of the Statehouse, Representative Dobis has worked in his professional life as a vice president of Bank One, has dedicated himself to his neighbors and his community as a member of the National Guard, a member of the Gary Sportsmen Club, and, early in his career, a member of the Young Democrats, and has lived as a loving husband to his wife Darlene, and as a caring father and grandfather to their two children and one grandchild: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Chet Dobis for his dedicated and honorable service to his constituency and to the state of Indiana, and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Chet Dobis and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to Representative Dobis.

House Resolution 55

Representatives Richardson and Friend introduced House Resolution 55:

A HOUSE RESOLUTION honoring Representative Ralph Foley.

Whereas, Representative Ralph Foley, who was first elected to represent the citizens of House District 47 in 1992, will be leaving the House chamber for the last time at the end of the 2012 legislative session;

Whereas, Representative Foley has been instrumental in the enactment of numerous pieces of legislation especially focused on criminal justice reform and probate issues, including rewriting the death penalty in 1995 and producing legislation to ensure saying "I'm sorry" after an accident is not an admission of liability;

Whereas, Representative Foley has received several awards throughout the years, including two Presidential Citations from the Indiana State Bar Association, a Mayor's Award from the city of Martinsville, the Indiana Chamber of Commerce Champion of Small Business Award, and the Indiana Judges Association Gavel Award;

Whereas, Representative Foley has also been recognized as an Advocate for Rural Health, been inducted into the Martinsville High School Hall of Fame, and named the Martinsville Kiwanis Citizen of the Year;

Whereas, Representative Foley received his undergraduate and law degrees from Indiana University and has been practicing law since 1965 as a partner in Foley, Foley and Peden;

Whereas, Active in the legal community, Representative Foley has been President of the Morgan County Bar Association, Treasurer and a member of the Board of Governors for the Indiana State Bar Association, Counsel to the President of the Indiana State Bar Association, a Fellow and Master Fellow for the Indiana Bar Foundation, as well as a member of the Indiana Bar Foundation's Board of Directors;

Whereas, Representative Foley has served on the Probate, Trust and Real Estate Council and has served as a faculty member for the Indiana Continuing Legal Education Forum for Business;

Whereas, Active in his community, Representative Foley is a Life Alumnus of Indiana University, a member of the Indiana Farm Bureau, a member of the Martinsville Chamber of Commerce, a trustee of the First United Methodist Church of Martinsville, and a director on the Board of Directors for the church's retirement facility in Franklin;

Whereas, Interested in the education of young Hoosiers, Representative Foley was co-president of the East Middle School PTO and co-chair of Martinsville P.R.I.D.E.;

Whereas, Before being elected to the House of Representatives, Representative Foley was chair of the Morgan County Election Board, Vice Precinct Committeeman, Morgan County Deputy Prosecuting Attorney, and a delegate to the state convention; and

Whereas, Representative Ralph Foley has served his constituency loyally and faithfully since his election to the Indiana General Assembly: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Ralph Foley. The House of Representatives has seen only good things during his tenure. Legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Ralph Foley and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker yielded the gavel to the Speaker.

House Concurrent Resolution 56

Representative Frizzell introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION urging the Legislative Council to assign the Regulatory Flexibility Committee to study and evaluate the practices and methods of incorporating clean energy resources into the generation portfolios of energy providers.

Whereas, It is important for Indiana legislators to gain a better understanding of the complexities of utility regulation;

Whereas, Technological advances in energy generation, energy transmission, and smart grid technologies merit study to ensure Indiana is considering all available options to meet its energy demands, including options available under the voluntary Indiana Voluntary Clean Energy Portfolio Standard;

Whereas, The mechanism of Indiana's recently enacted Voluntary Clean Energy Portfolio Standard should be studied and evaluated, including the resources that are qualified to satisfy the 70% and 30% categories of the CHOICE Program Goal, rate impacts of portfolio standards implemented in other states, and the impact on locational marginal prices due to fuel-free electricity;

Whereas, The continued importance of a diverse energy portfolio that includes coal, natural gas, nuclear generation, and clean energy resources should be studied;

Whereas, In order to ensure that Indiana is keeping pace with energy development, it is beneficial to study the regulatory practices and laws of other states and federal energy and utility agencies; and ratepayers will receive the most appropriate, just, and reasonable electricity rates and charges for fossil and non-fossil fueled energy, it would be beneficial to study and identify best practices of utility regulatory agencies in other jurisdictions to evaluate and approve utility acquisition of new energy sources; and

Whereas, It would also be beneficial to assess Indiana state statutes and procedures to ensure that they are sufficient to deal with an increasingly competitive environment for energy services and to ensure that they are designed to consider options that are the least cost reasonably available: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Legislative Council to assign the Regulatory Flexibility Committee to study the statutes, policies, and practices of current utility regulation so as to educate legislators on state utility laws and state regulatory policies and procedures and

consider any necessary improvements to those laws, policies, and procedures.

The resolution was read a first time and referred to the Committee on Government and Regulatory Reform.

House Resolution 85

Representatives McNamara, Crouch, and Bacon introduced House Resolution 85:

A HOUSE RESOLUTION congratulating the Mater Dei High School girls basketball team.

Whereas, The Evansville Mater Dei High School girls basketball team is the new Class 2A state champion;

Whereas, The 2011-2012 basketball season was a year of firsts for Mater Dei;

Whereas, The top-ranked Wildcats won their first regional, their first semi-state, and, with their 56-52 overtime victory over second-ranked Fort Wayne Bishop Luers, their first state championship;

Whereas, The championship game was hard fought with 15 ties and lead changes;

Whereas, Mater Dei pulled out the victory with three points from Tori Schickel early in overtime and four from sophomore Maura Muensterman in the final second;

Whereas, The Mater Dei Wildcats finished the season with a 27-1 record, winning their last 20 games; and

Whereas, Excellence such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the Mater Dei High School's girls basketball team on its state championship and wishes the team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to each team member; student managers; Assistant Coaches Terry Muensterman, Gary Alles, Allison Mesker, and Micah Konkler; Head Coach Steve Goans; Athletic Director Joe Herrmann; Principal Chris Tanner; President Timothy Dickel; and Superintendent Daryl Hagan.

The resolution was read a first time and adopted by voice vote.

House Resolution 86

Representative Davisson introduced House Resolution 86:

A HOUSE RESOLUTION urging the legislative council to establish an interim study committee to study immunization by pharmacists.

Whereas, Pharmacists are in a position to help overcome the obstacles to increasing immunization rates: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study immunization by pharmacists.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Health.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1141-1; filed March 7, 2012, at 2:18 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1141 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]".

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Page 2, delete lines 9 through 27, begin a new paragraph and insert:

"(c) Not later than September 1 of each year, the office of the lieutenant governor shall report to the budget agency the total amount that was used to provide home energy assistance during the previous state fiscal year through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. administered under IC 4-4-33-1. The budget agency shall determine the amount of gross retail tax revenue that was collected during the preceding state fiscal year on the amount of home energy assistance reported to the budget agency.

(d) An amount equal to the amount of gross retail tax revenue determined by the budget agency under subsection (c) is appropriated from the fund to the office of the lieutenant governor to establish a separate state home energy assistance program to be administered under IC 4-4-33-1. The separate state home energy assistance program shall be used to provide home energy assistance exclusively for individuals who own a home, using the same eligibility standards as those used for the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. The budget agency shall allot the amount determined under subsection (c) from the fund before October 1 each year."

(Reference is to EHB 1141 as reprinted February 21, 2012.)

CLERE

WELCH

House Conferees

KENLEY

SIMPSON

Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 113-1; filed March 7, 2012, at 3:05 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 113 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss), SECTION 292, IS AMENDED TO READ

AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) A city, **county**, or a town may adopt by ordinance traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city, **county**, or the town. An ordinance adopted under this subsection may not:

- (1) conflict with or duplicate another state law; or
- (2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, **county**, or a town under this section shall be deposited into the general fund of the city, **county**, or town.

~~(c) A person who violates subsection (a) commits a Class C infraction.~~

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

- (1) may allow an operator of a golf cart to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and**
- (2) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart.**

(d) A violation of an ordinance adopted under this section that is committed on a state highway by the operator of a golf cart is considered to be an ordinance violation.

SECTION 2. IC 9-21-9-0.5, AS AMENDED BY P.L.150-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) This chapter does not apply to the following:

- (1) An electric personal assistive mobility device.
- (2) A low speed vehicle.
- (3) Except as provided in subsection (b), a golf cart.

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, **county**, or town.

SECTION 3. IC 9-24-1-7, AS AMENDED BY P.L.87-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

- (1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.
- (2) An individual while operating:
 - (A) a road roller;
 - (B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;
 - (C) a ditch digging apparatus;
 - (D) a well drilling apparatus;
 - (E) a concrete mixer; or
 - (F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

- (3) A nonresident who:
 - (A) is at least sixteen (16) years and one (1) month of age;
 - (B) has in the nonresident's immediate possession a

valid operator's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States; while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States; while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(7) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart in the city, **county**, or town hold a driver's license.

(Reference is to ESB 113 as reprinted February 21, 2012.)

HOLDMAN

ARNOLD

Senate Conferees

LEHMAN

DEMBOWSKI

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 52-1; filed March 7, 2012, at 3:23 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 52 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) ~~Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b), a person may not perform a screening or confirmatory test for~~

the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test. As used in this section, "physician's authorized representative" means:

- (1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or
- (2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.

(b) If a physician or the physician's authorized representative determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized representative may order the test if the physician or the physician's authorized representative:

- (1) informs the patient of the test;
- (2) provides an explanation of the test; and
- (3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

- (1) discuss with the patient the availability of counseling concerning the test results; and
- (2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the following conditions apply:

(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:

- (1) If ordered by a physician, who has obtained a health care consent under IC 16-36-1 or an implied consent under can be implied due to emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.
- (2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this subsection subdivision shall be held in camera at the request of the individual.
- (3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).
- (4) The test is ordered under section 4 of this chapter.
- (5) The test is required or authorized under IC 11-10-3-2.5.
- (6) The individual upon whom the test will be performed is described in IC 16-41-8-6 or IC 16-41-10-2.5.
- (e) (7) A court may order a person has ordered the individual to undergo testing for HIV under IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).

(8) Both of the following are met:

(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.

(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.

(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.

(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.

(Reference is to ESB 52 as reprinted February 15, 2012.)

BECKER	T. BROWN
BREAUX	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 176-1; filed March 7, 2012, at 3:24 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 176 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as reprinted February 24, 2012.)

M. YOUNG	FOLEY
RANDOLPH	PRYOR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 15-1; filed March 7, 2012, at 3:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 15 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The state department of health and the office of the secretary of family and social services shall:

- (1) study the current brain injury services offered in Indiana; and
- (2) determine:

(A) any deficiencies in the provision of brain injury services in Indiana; and

(B) how to implement additional brain injury services and neurobehavioral rehabilitation programs in Indiana.

(b) The study described in subsection (a) must include the following:

- (1) Development of a licensure category for neurobehavioral rehabilitation facilities and the criteria to be included for the license.
- (2) Assessment of whether incentives are needed to encourage the provision of brain injury services and neurobehavioral services in Indiana.
- (3) Determination of the adequate reimbursement under the Medicaid program for brain injury and neurobehavioral services.
- (4) Determination of whether funds from the Medicaid health facility closure and conversion fund could be used to assist qualified service providers in opening a neurobehavioral rehabilitation facility or to enhance reimbursement for brain injury or neurobehavioral services in Indiana.
- (5) Determination of whether existing Medicaid waivers should be amended to increase the number of individuals covered under the waivers or the services provided to individuals with traumatic brain injuries under the waivers, and the amendments that would be needed.

(c) Before October 1, 2012, the state department of health and the office of the secretary of family and social services shall report orally and in writing to the health finance commission established by IC 2-5-23-3 concerning the study conducted under this SECTION and any recommendations resulting from the study.

(d) The brain injury treatment advisory committee is established for the purpose of assisting the state department of health and the office of the secretary of family and social services with the study described in this SECTION. The committee consists of the following members:

- (1) The commissioner of the state department of health or the commissioner's designee, who is the chairperson of the committee.
- (2) The director of the office of Medicaid policy and planning, or the director's designee.
- (3) The director of the division of aging, or the director's designee.
- (4) The director of the rehabilitation services bureau within the office of the secretary of family and social services, or the director's designee.
- (5) The following members appointed by the governor not later than May 1, 2012:
 - (A) One (1) member representing the Brain Injury Association of Indiana.
 - (B) Six (6) individuals representing any of the following:
 - (i) Brain injury service providers.
 - (ii) Residential care providers.
 - (iii) Health care providers who have knowledge concerning brain injuries.
 - (C) One (1) representative of the rate setting contractor used by the office of Medicaid policy and planning.
 - (D) One (1) consumer of brain injury services.
 - (E) One (1) psychologist licensed under IC 25-33-1 who specializes in the assessment and treatment of individuals with a brain injury.
 - (F) One (1) individual who is a caregiver of a consumer of brain injury services.
 - (G) One (1) representative of the Indiana Association of Area Agencies on Aging.

The state department of health shall staff the committee.

The committee shall meet at least four (4) times at the call of the chairperson. The members of the committee are not entitled to per diem or reimbursement for expenses incurred in connection with the members' committee duties.

(e) This SECTION expires July 1, 2013.

SECTION 2. [EFFECTIVE JULY 1, 2012] (a) During the 2012 legislative interim, the office of Medicaid policy and planning shall report to the health finance commission established by IC 2-5-23-3 concerning the feasibility and development of a risk based managed care pilot program for aged, blind, and disabled Medicaid recipients. This SECTION does not authorize the office to implement a risk based managed care pilot program.

(b) This SECTION expires December 31, 2012.

SECTION 3. An emergency is declared for this act.

(Reference is to ESB 15 as reprinted February 29, 2012.)

MILLER
BREAUX
Senate Conferees

T. BROWN
C. BROWN
House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 224-1; filed March 7, 2012, at 3:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 224 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2012] (a) Not later than October 1, 2012, the state department of health established by IC 16-19-1-1, the division of fire and building safety established by IC 10-19-7-1, and the Indiana emergency medical services commission created by IC 16-31-2-1 shall report to the health finance commission established by IC 2-5-23-3 orally and in writing. The report must cover the following matters related to emergency services:

- (1) Policies and procedures for calling and responding to 911 calls for emergency medical services, including the determination of what type of health care emergency service provider should respond to the call.
- (2) Any requirements or guidelines for equipment that should be on an ambulance or other emergency services vehicle that is necessary to respond to the emergency medical needs of an individual.
- (3) Ambulance response time for emergency calls.
- (4) Ambulance transportation procedures.
- (5) Procedures and policies for health facilities to obtain emergency and non-emergency medical transportation for health facility residents.
- (6) How ambulance coverage is affected by ambulances that are subject to geographic or jurisdictional limits within a county, city, town, or township.
- (7) Procedures or policies for determining to which hospital a patient is transported.
- (8) A review of the state trauma care system.

(b) In preparing the report required by subsection (a), the agencies described in subsection (a) shall consult with

entities that may be affected by the proposals being considered for the report.

(c) **This SECTION expires December 31, 2012.**

(Reference is to ESB 224 as reprinted March 1, 2012.)

MILLER	T. BROWN
ROGERS	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 107-1; filed March 7, 2012, at 4:05 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 107 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 12.

Page 2, delete lines 11 through 42.

Page 3, delete lines 1 through 23.

Re number all SECTIONS consecutively.

(Reference is to ESB 107 as reprinted February 21, 2012.)

ZAKAS	NEESE
HUME	MOSES
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1040-1; filed March 7, 2012, at 4:11 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1040 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 35 through 42.

Delete pages 3 through 5.

(Reference is to EHB 1040 as printed February 24, 2012.)

T. BROWN	MILLER
GRUBB	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1197:

Conferees: Becker and Arnold
Advisors: Wyss, Hume, and Grooms

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1205:

Advisor: Rogers

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 144 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Skinner
Advisors: Charbonneau and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 175 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Lanane
Advisors: Landske and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1065, 1116, 1226, 1238, 1250, and 1283 on March 7.

CONFEREES AND ADVISORS APPOINTED

The Speaker yielded the gavel to Representative Foley who announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 144	Conferees: Espich and Crawford
	Advisors: Turner and Goodin
ESB 175	Conferees: Richardson and Bartlett
	Advisors: Koch, Behning, and White

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 8, 2012 at 10:00 a.m.

THOMPSON

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14 and 55 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 7, 34, and 40 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

A meeting of the Committee on Rules and Legislative Procedures was announced..

On the motion of Representative McMillin, the House adjourned at 5:21 p.m., this seventh day of March, 2012, until Thursday, March 8, 2012, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives